



22
1661

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in a manila envelope addressed to: Commissioner of Patents, USPTO, P.O. Box 1450 Alexandria, VA, D.C. 22313-1450; on

July 16, 2005

Date

Mark Bourgeois

Typed or Printed Name of Person Mailing Paper or Fee



Signature

7/16/2005

Date of Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial no.:	09/728,748
Filing date:	12/02/2000
For:	Veronica plant named 'Glory'
Inventor:	Philpott
Att. Docket no.:	PH17
Group Art Unit:	1661
Examiner:	Para
Confirmation No.:	2377

RESPONSE

Dear Sir:

This is in response to the Office Communication dated 05/25/2005. No additional fees are believed to be necessary.

Request for Information under 37 CFR 1.105:

The following information was requested in the office communication:

A.

Question: A copy of any publications or advertisements relating to sales or public distribution more than one year prior to the application date of the application.

Applicant's Response: To applicant's knowledge, there were no publications or advertisements relating to sales or public distribution prior to October of 1999.

B.

Question: Any public information regarding sales or distribution anywhere in the world more than one year prior to the filing date of the application including if this was an obscure solitary occurrence.

Applicant's Response: In May of 1998, approximately 100 plants were sold to Blakedown Nurseries in order to build up a stock of plants. Blakedown Nurseries went into liquidation in October of 1999 and there are no longer any documents available regarding sales or public distribution of the plant prior to that date. However, to Applicant's knowledge, only a few plants went to one customer in the Spring of 1999 on a market testing basis. This was due to the fact that a) there was a need to build up stock numbers before launch of the product and b) due to propagation problems. The propagators had reported problems and it was unclear as to whether these had been caused by a failure to use the most appropriate rooting compound for the plant or whether the cuttings had not been taken at the most opportune time of the year. Blakedown Nurseries then went into liquidation and from October 1999 all plants held by them were impounded by the liquidators until an agreement was brokered with Notcutts Nurseries in December 1999. Public sales, therefore, did not commence until 2000. Applicant considers that it would have been difficult for the general public to have obtained a plant during the period in question.

C.

Question: Any information regarding access to the plant that could be derived from the PBR document.

Applicant's Response: None is known to the Applicants.

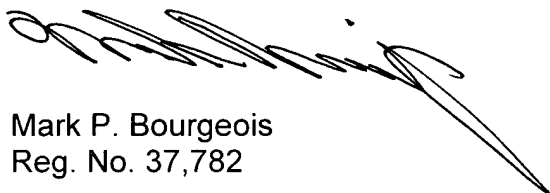
D.

Question: Any information that would indicate that a plant breeder would not know how to successfully reproduce the plant.

Applicant's Response: Please see the propagation problems referred to in question B above.

The present response is believed to satisfy the Request for Information under 37 CFR 1.105.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark P. Bourgeois', with a long, sweeping horizontal stroke extending to the right.

Mark P. Bourgeois
Reg. No. 37,782